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TENNESSEE
STATE DEPARTMENT OF EDUCATION
6TH FLOOR, GATEWAY PLAZA
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

JANE WALTERS, Ph.D.
COMMISSIONER

August 2, 1998

Mr. William Kennard, Chairman
Federal Communications Commission
Washington, D. C.

Re: CC Docket 96-45 Federal-State Joint Board on Universal Service
SLC Applicant I. D. No. 145698

Dear Chairman Kennard:

The State of Tennessee has applied for E-rate discounts in order to provide Internet access to every student in Tennessee. We, as either legislative or executive appointed officers of the State of Tennessee, have the responsibility to reach all of our 900,000 students, 50,000 teachers and 1747 school network sites.

The Telecommunications Act of 1996 has given us hope of accomplishing this responsibility. In order to comply with this law, we have approved state and local technology plans, committed the funding for the computers and internal connections to take advantage of the Internet in our classrooms and carefully followed our own procurement procedures to procure Internet service. Specifically, we:

- Issued a State approved Request for Proposal for Internet service and posted it on the Internet
- Followed State procurement evaluation procedures, incorporating cost and other necessary factors, to assure that our schools have the Internet access that is appropriate, and
- Evaluated each technical proposal separately with respect to technical and cost considerations, according to our State procedures.

As important as our procurement procedures, we have also followed State vendor protest procedures that require:

- Review by departmental personnel and judgment by the State Commissioner of Education
- Administrative review by the Departments of Finance and Administration, General Services and the Office of the Comptroller of the Treasury, as well as the Department of Education

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- A public hearing before the State's Review Committee (appeal process) to examine all vendor protests and concerns, none of which questioned the technical evaluation of the proposals
- A public decision by the State's Review Committee which unanimously upheld the Department of Education's decision and ruled against the vendor protest complaints
- Execution of a properly negotiated contract with review and signature by the Commissioner of Education, Commissioner of Finance and Administration and Comptroller of the Treasury.

The officials in the State of Tennessee greatly respect the responsibilities of the FCC in reviewing complaints and protests that properly fall within its jurisdiction. We respect your proper consideration of the protest that has been filed against the procurement that we have executed and the consequences of this action to the children of our State. We have followed State of Tennessee procurement laws and regulations with appropriate diligence and attempted to follow your guidelines for applying for E-rate funding as well. Our judgment, as carried out through all of our processes, follows State law and has ruled against the vendor's protest in this situation.

We have worked with great care to begin to make an investment for all children in Tennessee. The application before you greatly affects our ability to implement that vision for our students. As you proceed to examine our application and to reconsider the protest that has been filed against it by an unsuccessful bidder, we are prepared to offer any additional information that you may require for review of our process and judgment. We appreciate your commitment in these vital efforts.

Sincerely,

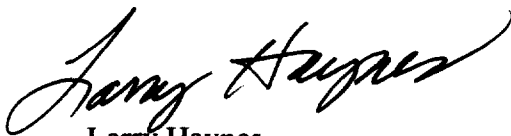
For the State of Tennessee,



Jane Walters
Commissioner of Education



John Ferguson
Commissioner of Finance & Administration



Larry Haynes
Commissioner of General Services



William Snodgrass
Comptroller of the Treasury

CERTIFICATE OF SERVICE

I, Christine L. Zepka, hereby certify that copies of the foregoing letter were mailed, postage prepaid, on this 7th day of August, 1998, via first class mail, to the following individuals at the address listed below:

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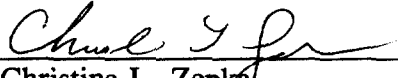
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